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BOOK REVIEWS.

HISTORICAL JURISPRUDENCE.—An Introduction to the Systematic Study of the Development of Law. By Guy Carlton Lee, Ph. D. of Johns Hopkins University. New York: The Macmillan Company. 1900. Cloth, pp. xv, 517; \$3.

The average practitioner is generally too much engrossed in the effort to learn, retain and apply the local law of his own State and time, to care for laws which have passed away with the peoples who framed them. But as all law is but an evolution, the study of historical jurisprudence has a more practical interest for the modern lawyer than he is apt to realize. Not only does such collateral study broaden his mental horizon, but it cultivates his legal intuition, and aids in the understanding and application of the law of his own time.

Mr. Lee's volume is a philosophical review, largely from original sources, of the jurisprudence of the principal nations of antiquity. It begins with laws of Babylonia, includes the laws of ancient Egypt, Phœnicia, Israel, India, Greece and Rome, and closes with the dawn of modern English law, in the time of Bracton.

The opportunity which such a field affords for prosiness need not deter the practical lawyer from dipping into the volume. One who opens the book with the expectation of finding it a bald collection of dull and dead matter will be disappointed. The author's style is singularly crisp and pleasing, and his English excellent. The work abounds in statement and illustration of legal doctrines that at once engage the interest of the reader, either for their startling likeness or their unlikeness to legal principles of which he makes daily application.

We are glad to commend the work to the reading members of the Virginia bar.

THE LAW OF BANKS AND BANKING, Including Acceptance, Demand and Notice of Dishonor upon Commercial Paper, with an Appendix containing the Federal Statutes Applicable to National Banks. By John M. Zane, of the Chicago Bar. Chicago: T. H. Flood & Company. 1900. One volume; pp. 850; \$6 net.

In the perusal of such portions of this volume as have been selected for examination we have been impressed with the evident labor and thought the author has bestowed upon his work. Other striking features of the book are the closeness of the author's reasoning and the force with which he sustains his conclusions. The most marked characteristic, however, is the author's absolute confidence in his own opinions. In latter days, when legal text-books are little more than incomplete digests of case law—the digester leaving the reader to choose for himself among many conflicting decisions—it is almost refreshing to find a text-book which errs, if at all, in the direction of dogmatism. The author's style, in this respect, somewhat resembles, without imitating, that of Mr. Bishop—whose work as a text-writer, if equalled, has not been excelled in this century.

Mr. Zane devotes especial attention to the mooted questions of the right of a check-holder to sue the bank before acceptance, the liability of a collecting bank for the defaults of its correspondents, and notice imputed to the bank through knowledge of its agent, under the varying circumstances in which such agent's knowledge may be acquired. The theory of bailment, in lieu of the more commonly accepted theories of agency or of a trust relation, is advanced as decisive

of the first two of these questions—a theory which, as applied by the author, readily eliminates difficulty in denying to the check-holder a right of action, or in fixing upon the collecting bank liability for the delinquencies of its correspondents. The treatment of notice imputed from the agent's knowledge, under the various phases in which the question may be presented, is excellently done.

The author's style is cultivated and almost ornate. His criticisms of rejected doctrines are occasionally pointed with sarcasm, and now and then he smiles in a footnote. We have found the text extremely readable.

At page 169, the case of *First Nat. Bank v. Hanover Nat. Bank*, 66 Fed. 34, is inaccurately stated. The word "not," in line 6, should be stricken out, and the statement must be recast to make it intelligible.

On the whole, Mr. Zane's book has impressed us most favorably, and we predict that it will be well received by the bench and bar.